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EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/10/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,161

Applicant(s)

NASHIDA ET AL.

Examiner

John Manning

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. Claim 2 is objected to because of the following informalities: line 3 three of the claim recites "the first determination means determines that a stated where..." The examiner believes this should read "the first determination means determines a state where..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 2 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The nature in which claims 2 and 7 refer to "the first operation key" is contradictory to claims 1 and 6. Furthermore, the he nature in which claims 2 and 7 refer to "the first operation key" is contradictory to the specification. For the sake examination, examiner presume "the first operation key" to be a third operation key. Where the third operation key corresponds to the cancellation operation key 18D as described in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Goulden et al. (US Pat No 5,956,025).

In regard to claim 1, Goulden et al. discloses a remote control device and graphical user interface (GUI) for providing the user information and for controlling a home entertainment system. The claimed limitation of "first determination means for determining whether or not a first operation key is operated on the remote control device" is met by Figure 1, Item 116. The GUI display 116 uses "soft keys" where the user touches the display to indicate a control function. "The user selects a particular one among items 208-218 in rack 224 by touching display 116 at the corresponding location" (Col 3, Lines 43-45). The claimed limitation of "screen switching means for switching the display screen from a first display screen to a second display screen if the first determination means determines that the first operation key is operated, and for displaying the second display screen while the first operation key is operated" is met by Figure 2. "FIG. 2 is a diagram of the lay-out of the graphics information provided by the

GUI at display 116. The GUI is organized as a hierarchy of layers 202, 204, . . . , 206, ... Each of layers 202-206 comprises icons for selectable sub-systems at the associated level, icons for the corresponding basic controls, and content data information for the associated level" (Col 3, Lines 25-32). The claimed limitation of "second determination means for determining whether or not the second operation key is operated while the first operation key is operated" and "processing based on operation of the second operation key is received on the second display screen" is also met by Figure 1, Item 116. The GUI display 116 uses "soft keys" where the user touches the display to indicate a control function. "The user selects a particular one among items 208-218 in rack 224 by touching display 116 at the corresponding location" (Col 3, Lines 43-45). Where the processing based on the operation of the second operation key is selecting among items 208-218.

In regard to claim 2, the reference discloses a "cancellation operation key" for returning to the first screen. "Getting back to the next higher layer is achieved through a return icon that is uniform for all lower levels 204, . . . , 206" (Col 4, Lines 27-29).

In regard to claim 3, the claimed limitation of a "layer screen display means for displaying at least a screen in a first layer and a screen in a second layer lower than the first layer" is met by Figure 2. The claimed limitation of a "layer switching means for switching the screen in the first layer and the screen in the second layer each other" also met by Figure 2. "The GUI is organized as a hierarchy of layers 202, 204, . . . , 206, ... Each of layers 202-206 comprises icons for selectable sub-systems at the associated level, icons for the corresponding basic controls, and content data

information for the associated level" (Col 3, Lines 26-32). The navigation between layers, as shown in Figure 2, is controlled by user input. "Next lower level 204 is reached through top level 202 by activating, in this example: touching, icon 212 that is currently located in center of the visible portion of rack 224. Next lower level 204 has a similar lay-out as layer 202. That is, layer 204 comprises a rack 226 of selectable items 228-240 flanked by a basic information band 242 and a basic controls band 244 in a configuration similar to the one of layer 202 as discussed above. Selection of a particular one of items 228-240 is done in a similar manner as discussed with reference to top layer 202. The displayed portions of basic information band 242 and basic controls band 244 change accordingly" (Col 4, Lines 16-27).

In regard to claim 6, Goulden et al. discloses a remote control device and graphical user interface (GUI) for providing the user information and for controlling a home entertainment system. The claimed step of "a first determination step of determining whether or not a first operation key is operated on the remote control device" is met by Figure 1, Item 116. The GUI display 116 uses "soft keys" where the user touches the display to indicate a control function. "The user selects a particular one among items 208-218 in rack 224 by touching display 116 at the corresponding location" (Col 3, Lines 43-45). The claimed step of "a screen switching step of switching the display screen from a first display screen to a second display screen if it is determined in the first determination step determines that the first operation key is operated, and for displaying the second display screen while the first operation key is operated" is met by Figure 2. "FIG. 2 is a diagram of the lay-out of the graphics

information provided by the GUI at display 116. The GUI is organized as a hierarchy of layers 202, 204, . . . , 206, ... Each of layers 202-206 comprises icons for selectable sub-systems at the associated level, icons for the corresponding basic controls, and content data information for the associated level" (Col 3, Lines 25-32). The claimed step of "a second determination step of determining whether or not the second operation key is operated while the first operation key is operated" and "processing based on operation of the second operation key is received on the second display screen" is also met by Figure 1, Item 116. The GUI display 116 uses "soft keys" where the user touches the display to indicate a control function. "The user selects a particular one among items 208-218 in rack 224 by touching display 116 at the corresponding location" (Col 3, Lines 43-45). Where the processing based on the operation of the second operation key is selecting among items 208-218.

In regard to claim 7, the reference discloses a "cancellation operation key" for returning to the first screen. "Getting back to the next higher layer is achieved through a return icon that is uniform for all lower levels 204, . . . , 206" (Col 4, Lines 27-29).

In regard to claim 8, the claimed step of a "layer screen display step of displaying at least a screen in a first layer and a screen in a second layer lower than the first layer" is met by Figure 2. The claimed step of a "layer switching step of switching the screen in the first layer and the screen in the second layer each other" also met by Figure 2. "The GUI is organized as a hierarchy of layers 202, 204, . . . , 206, ... Each of layers 202-206 comprises icons for selectable sub-systems at the associated level, icons for the corresponding basic controls, and content data information for the associated level"

(Col 3, Lines 26-32). The navigation between layers, as shown in Figure 2, is controlled by user input. "Next lower level 204 is reached through top level 202 by activating, in this example: touching, icon 212 that is currently located in center of the visible portion of rack 224. Next lower level 204 has a similar lay-out as layer 202. That is, layer 204 comprises a rack 226 of selectable items 228-240 flanked by a basic information band 242 and a basic controls band 244 in a configuration similar to the one of layer 202 as discussed above. Selection of a particular one of items 228-240 is done in a similar manner as discussed with reference to top layer 202. The displayed portions of basic information band 242 and basic controls band 244 change accordingly" (Col 4, Lines 16-27).

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden et al. in view of Autry et al. (US Pat No 5,724,106).

In regard to claim 4, Goulden et al. discloses a remote control device and graphical user interface (GUI) for providing the user information and for controlling a home entertainment system. The reference fails to explicitly disclose a remote control device that "includes a grip part which can be gripped by one hand, first operation means provided at a position where the first operation means can be operated by a thumb finger when the grip part is gripped by one hand, and second operation means provided at a position where the second operation means can be operated by a forefinger when the grip part is gripped by one hand, and the first operation key is the first operation means and the second operation means is the second operation key". Autry et al. teaches a remote control device with the features mentioned above, as

illustrated in Figures 9A-9C, so as to allow "the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving as a remote control device for a home entertainment system controlled by the personal computer" (Col 4, Lines 25-30). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Goulden et al. with a remote control device as described above, so as to allow "the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving as a remote control device for a home entertainment system controlled by the personal computer" (Col 4, Lines 25-30).

In regard to claim 9, Goulden et al. discloses a remote control device and graphical user interface (GUI) for providing the user information and for controlling a home entertainment system. The reference fails to explicitly disclose a remote control device that "includes a grip step of gripping a grip part by one hand, a first operation step of operating the first operation key provided at a position where the first operation key can be operated by a thumb finger when the grip part is gripped by one hand, and a second operation step of operating the second operation key provided at a position where the second operation key can be operated by a forefinger when the grip part is gripped by one hand". Autry et al. teaches a remote control device with the features mentioned above, as illustrated in Figures 9A-9C, so as to allow "the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving

as a remote control device for a home entertainment system controlled by the personal computer" (Col 4, Lines 25-30). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Goulden et al. with a remote control device as described above, so as to allow "the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving as a remote control device for a home entertainment system controlled by the personal computer" (Col 4, Lines 25-30).

7. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden et al. in view of Hatori et al. (US Pat No 5,977,974).

In regard to claim 5, Goulden et al. discloses a remote control device and graphical user interface (GUI) for providing the user information and for controlling a home entertainment system. The reference fails to explicitly disclose index images for guiding scenes of a series of a video based on the video signal are arranged in time series. Hatori et al. teaches an apparatus and method of generating images, which are sequential arranged so as to allow the user to find the desired image in a quick and efficient manner. The images are generated such that the image at the second time point is larger than an image at the first time point. The system include image display means, display 302, for displaying the generated images. "In FIG. 4, reference numeral 101 denotes a display window displayed on the display 302; 102, 103, 105a and 105b, data icons representing image data; and 104, a part of time axis rendered with curve, and called "spiral", hereinafter. On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the

outermost curve of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26). Also, "the sizes of data icons representing respective data differ depending upon their displayed positions, and gradually decrease from the outermost wind to the inner winds of the spiral 104" (Col 5, Lines 56-60). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Goulden et al. with disclose index images for guiding scenes of a series of a video based on the video signal are arranged in time series so as to allow the user to find the desired image in a quick and efficient manner.

In regard to claim 10, Goulden et al. discloses a remote control device and graphical user interface (GUI) for providing the user information and for controlling a home entertainment system. The reference fails to explicitly disclose index images for guiding scenes of a series of a video based on the video signal are arranged in time series. Hatori et al. teaches an apparatus and method of generating images, which are sequential arranged so as to allow the user to find the desired image in a quick and efficient manner. The images are generated such that the image at the second time point is larger than an image at the first time point. The system include image display means, display 302, for displaying the generated images. "In FIG. 4, reference numeral 101 denotes a display window displayed on the display 302; 102, 103, 105a and 105b, data icons representing image data; and 104, a part of time axis rendered with curve, and called "spiral", hereinafter. On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve of the spiral are arranged from the outside toward the inside of the

spiral in descending order of time" (Col 5, Lines 18-26). Also, "the sizes of data icons representing respective data differ depending upon their displayed positions, and gradually decrease from the outermost wind to the inner winds of the spiral 104" (Col 5, Lines 56-60). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Goulden et al. with disclose index images for guiding scenes of a series of a video based on the video signal are arranged in time series so as to allow the user to find the desired image in a quick and efficient manner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows.

- The Yeo et al. (US Pat No 6,219,837) discloses displaying summery frames of a television program.
- The White et al. (US Pat No 5,596,373) discloses a method and apparatus for providing program-oriented information in a multiple broadcast system.
- The Blonstein et al. (US Pat No 6,016,144) reference discloses a multi-layered television graphical user interface.
- The Duhault et al. (US Pat No 6,118,493) reference discloses a method and apparatus for selecting a channel from a multiple channel display.
- The Oosterhout et al. (US Pat No 6,405,371) reference discloses a system for navigating through television programs.
- The Hoarty (US Pat No 5,485,197) discloses a carousel display system.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9695 for regular communications and 703-746-9695 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.

JM
May 3, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600